Remarks

Claims 1-3 and 5-23 remain in the application. Claims 1, 12, 16, 17, 20 and 22 are hereby amended. No new matter is being added.

Claim Rejections -- 35 U.S.C. 102

Claims 1-3 and 5-23 were rejected under 35 U.S.C. 102 as being anticipated by Fung (US Patent Application Publication No. 2002/0004912). The independent claims in this application are hereby amended. This rejection is traversed with respect to the claims as now amended.

Claim 1 as amended now recites as follows:

1.   A system for power management of a rack of computers, the system comprising:
     server side infrastructure (SSI) circuitry at each computer in the rack, the SSI circuitry including local monitoring circuitry coupled to a central processing unit (CPU) of the computer; and
     a centralized power management module (CPMM) with an out-of-band (OOB) management link to the SSI circuitry at each computer in the rack,
     wherein the CPMM is configured to monitor power being consumed by the CPUs by **sending a polling message to the SSI circuitry at each computer in the rack,**
     wherein the local monitoring circuitry within the SSI circuitry at each computer in the rack is configured to monitor power consumption at the CPU and to **respond to the polling message from the CPMM by transmitting a root mean squared power consumption value to the CPMM,** and
     wherein the CPMM is further configured to apply a set of rules to the root mean squared power consumption values from the local monitoring circuitry to determine when and at which computers to enable and disable a CPU power throttling mode.

(Emphasis added.)

Amended claim 1 is now limited to a system for power management of an entire rack of computers in which a centralized power management module (CPMM) is configured to send a **"polling message"** to server side infrastructure (SSI) circuitry at each computer in the rack. This limitation is supported in the original specification, for example, on page 5, lines 9-13, which recites as follows.

7

"A management link **114** between the CPMM **202** and the local monitoring circuitry **104** may be used to receive a polling message from the CPMM **202**. When polled, the local monitoring circuitry **104** may respond by transmitting via the management link **114** a root mean squared or other derived power consumption value to the CPMM **202**." This limitation is also supported in the original specification on page 6, lines 3-4, which recites as follows. "The CPMM **202** may be used to monitor the power being consumed by the CPUs **102**. The monitoring may be done by polling."

More particularly, amended claim 1 also recites that local monitoring circuitry within the SSI circuitry at each computer in the rack is configured to respond to the polling message by transmitting a **"root mean squared power consumption value"** to the CPMM. This limitation is supported in the original specification, for example, on page 5, lines 11-13, which recites, "When polled, the local monitoring circuitry **104** may respond by transmitting via the management link **114** a root mean squared or other derived power consumption value to the CPMM **202**."

In contrast to the claimed invention, Fung does <u>not</u> disclose or teach a CPMM which manages an entire rack of computers by using **polling** messages to monitor power consumption. In contrast, Fung discloses use of a **network agent** at each server which monitors the server to detect policy violations and **reports any detected policy violation** via a message to a global master. See, for example, paragraphs [0160] and [0161] of Fung, which are quoted below.

> [0160]   ...   Each server has its own network agent and will report (immediately or within some predetermined time interval) to the global master on any policy violation.
>
> [0161] An exemplary operational scenario for the internetwork is now described. Assume for example, that while a particular server is operating in the 2nd power mode and the network agent detects the CPU utilization for that server rises above an upper threshold (for example, a threshold of about 95%) for some fixed period of time, this is considered as a policy violation and a message will be sent to the global master....

8

The above-described use of network agents by Fung is an entirely different mechanism than the claimed polling mechanism.

Furthermore, Fung does <u>not</u> disclose or teach the more particular limitation of responding to the polling message by transmitting a **root mean squared power consumption value**. This limitation further distinguishes the claimed invention from Fung.

Therefore, for at least the above-discussed reasons, applicants respectfully submit that amended claim 1 is now patentably distinguished over the cited art.

Claims 2-3 and 5-11 depend from claim 1. Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claims 2-3 and 5-11 are now also patentably distinguished over the cited art.

Claim 12 is amended similarly to claim 1 in that it now recites both **"polling messages"** and "a **root mean squared power consumption value."** (Emphasis added.) Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 12 is now also patentably distinguished over the cited art.

Claims 13-15 depend from claim 12. Hence, for at least the reasons discussed above in relation to claim 12, applicants respectfully submit that claims 13-15 are now also patentably distinguished over the cited art.

Claim 16 is amended similarly to claim 1 in that it now recites both **"polling messages"** and "**root mean squared power consumption values."** (Emphasis added.) Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 16 is now also patentably distinguished over the cited art.

Claim 17 is amended and now recites both **"polling messages"** and "a **root mean squared power consumption value."** (Emphasis added.) Hence,

9

for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 17 is now also patentably distinguished over the cited art.

Claims 18-19 depends from claim 17. Hence, for at least the reasons discussed above in relation to claim 17, applicants respectfully submit that claim 18-19 are now also patentably distinguished over the cited art.

Claim 20 is amended so that it now recites both **"polling messages"** and **"root mean squared power consumption values."** (Emphasis added.) Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 20 is now also patentably distinguished over the cited art.

Claim 21 depends from claim 20. Hence, for at least the reasons discussed above in relation to claim 20, applicants respectfully submit that claim 21 is now also patentably distinguished over the cited art.

Claim 22 is amended and now recites both **"polling messages"** and **"root mean squared power consumption values."** (Emphasis added.) Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 22 is now also patentably distinguished over the cited art.

Claim 23 depends from claim 22. Hence, for at least the reasons discussed above in relation to claim 22, applicants respectfully submit that claim 23 is now also patentably distinguished over the cited art.
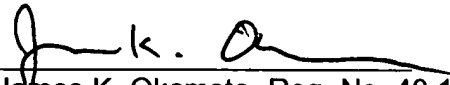
Conclusion

For the above-discussed reasons, applicant believes that claims 1-3 and 5-23, as amended, are now patentably distinguished over the prior art. Favorable action is respectfully requested.
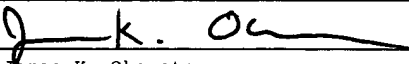
If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 08-2025.

Respectfully Submitted,

SACHIN NAVIN CHHEDA et al.

Dated: July 27, 2006

James K. Okamoto, Reg. No. 40,110
Okamoto & Benedicto LLP
P.O.Box 641330
San Jose, CA 95164-1330
Tel: (408) 436-2111
Fax: (408) 436-2114

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	James K. Okamoto	Dated:	July 27, 2006
Express Mail Mailing Number (optional):			

11